

EXHIBIT C

From: Ryan K. Wong
Sent: Thursday, May 12, 2016 10:08 PM
To: Sean Pak; John Neukom; Cisco-Arista; Kathleen Sullivan; Mark Tung; aalper@kirkland.com; michael.devries@kirkland.com; Steven.cherny@kirkland.com; Cisco-AristaCopyrightTeam@kirkland.com
Cc: ARISTA-KVN; WSGR - Arista (Arista-WSGR@wsgr.com)
Subject: RE: Cisco v. Arista - Discovery Responses

Counsel,

I write regarding Cisco's failure to respond to Arista's Interrogatories 24 and 25. Interrogatory 24 seeks information that is fundamental to Cisco's copyright claims: where does Cisco claim the accused aspects of Arista's products appear in Cisco's registered works? Cisco's citation to its responses to Arista's Interrogatories 2 and 18 does not provide that information. Nor does Cisco's response to Interrogatory 16. That response states the earliest known document, first operating system, and first distribution date of CLI commands. But Cisco is not asserting the cited "earliest known documents" as copyright-registered works. Nor is Cisco asserting that Arista infringed each of the "First Operating Systems" listed in Cisco's Interrogatory 16 response.

Instead, Cisco's complaint asserts twenty-six works registered with the Copyright Office. Cisco must identify, by Bates number and copyright registration number, where in those twenty-six works each accused CLI command, mode, hierarchy, prompt, or command response appears—that is, where Cisco fixed the asserted aspects of its products in a tangible medium of expression that it has since registered with the Copyright Office. See 17 U.S.C. § 102. Likewise, if an accused aspect of Arista's products appears in computer code, Cisco must identify where in the copyright-registered computer code the accused aspect appears. If an accused aspect appears more than once in a registered work, either in documents or computer code, Cisco must identify each such instance by Bates number or file name, as well as by the copyright registration number. Cisco has never provided that information, and it is Cisco's burden, as the Plaintiff, to make that identification.

Interrogatory 25 asks Cisco to identify the total number of commands, modes, hierarchies, prompts, responses, and lines of software code that appear in each of the copyright-registered works. Again, Cisco's citation to its prior interrogatory responses is inapposite, as none of those responses tied the accused aspects of Arista's products to specific registered works. The information sought by Interrogatory 25 is plainly relevant to an infringement analysis as well as to damages.

If, after considering the above, Cisco still does not intend to supplement its responses to Interrogatories 24 and 25 to provide fulsome answers, please provide a time to meet and confer as soon as possible so that the parties may endeavor to avoid unnecessary discovery disputes, or, if necessary, resolve those disputes.

Regards,

Ryan

Ryan K. Wong
Attorney at Law

KEKER & VAN NEST LLP

415 773 6682 direct | [vCard](#) | rwong@kvn.com
633 Battery Street, San Francisco, CA 94111-1809 | 415 391 5400 main | kvn.com